

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

OPTIMUM IMAGING TECHNOLOGIES
LLC,

Plaintiff,

V.

CANON INC.,

Defendant.

CIVIL ACTION NO. 2:19-CV-00246-JRG

ORDER ON MOTIONS

The Court held a Motions Hearing (the “Hearing”) by videoconference in the above-captioned case on January 11, 2021 regarding select pending discovery motions filed by Plaintiff Optimum Imaging Technologies LLC (“OIT”) and Defendant Canon Inc. (“Canon”) (collectively, the “Parties”). This Order summarizes and memorializes the Court’s rulings and reasons therefor on the motions as announced into the record, including additional instructions to the Parties. While this Order summarizes the Court’s ruling during the Conference, this Order in no way limits or constrains such rulings from the bench. Accordingly, it is hereby **ORDERED** as follows:

I. OIT's Motion to Compel Responses to Interrogatories (Dkt. No. 61)

This Motion is **GRANTED-IN-PART**. (Dkt. No. 271 at 84:16–85:5.) Canon is **ORDERED** to timely produce English translations of the 800,000 pages of Japanese language documents it produced to OIT under the guise of Federal Rule of Civil Procedure 33(d). OIT is to bear the cost of translation of the 58,000 documents Canon produced in response to OIT’s

Interrogatories 4 through 6 with a narrative response and a table identifying types of documents, not under the auspices of Rule 33(d).

II. OIT's Motion for Protective Order (Dkt. No. 93)

This Motion is **GRANTED-IN-PART**. (Dkt. No. 271 at 87:9–88:7.) OIT is **ORDERED** to produce the Social Security Security Earnings Records of Mr. Neal Solomon for the years spanning 2006–2017, alongside a declaration from Mr. Solomon identifying all sources of income for those years and any sources of monies paid by Mr. Solomon or OIT to the USPTO during those years. OIT is further **ORDERED** to timely produce Mr. Solomon for a targeted deposition by Canon limited to the topics contained in Mr. Solomon's declaration.

III. OIT's Motion to Compel (Dkt. No. 106)

This Motion is **DENIED**. (Dkt. No. 271 at 86:10–87:7.)

IV. Canon's Motion to Compel the Deposition of Neal Solomon (Dkt. No. 128)

This Motion is **DENIED AS MOOT**. (Dkt. No. 271 at 88:8–11.)

As part of the Court's analysis on this Motion, OIT's Motion to Supplement the Record Regarding Motion to Compel (Dkt. No. 129) is **GRANTED**. (Dkt. No. 271 at 86:10–87:7.)

V. Canon's Motion to Enforce DCO (Dkt. No. 131)

This Motion is **GRANTED**. (Dkt. No. 271 at 85:6–14.) The parties are **ORDERED** to timely take remote depositions of Canon's 30(b)(6) witnesses in Japan.


As part of the Court's analysis on this Motion, the Joint Motion to Expedite Briefing (Dkt. No. 136) is **DENIED AS MOOT**.

VI. OIT's Motion for Leave to File Motion to Compel or for Clarification (Dkt. No. 132)

This Motion is **DENIED**. (Dkt. No. 271 at 85:6–14.)

So Ordered this

Jan 22, 2021



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE